

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS  
(Springfield Division)**

|                                      |   |                                       |
|--------------------------------------|---|---------------------------------------|
| <b>IRWIN INDUSTRIAL TOOL COMPANY</b> | ) |                                       |
| <b>D/B/A LENOX,</b>                  | ) |                                       |
|                                      | ) |                                       |
| <b>Plaintiff,</b>                    | ) |                                       |
|                                      | ) |                                       |
| <b>v.</b>                            | ) | <b>Civil Action No. 3:15-cv-30005</b> |
|                                      | ) |                                       |
| <b>MILWAUKEE ELECTRIC TOOL</b>       | ) |                                       |
| <b>CORPORATION,</b>                  | ) |                                       |
|                                      | ) |                                       |
| <b>Defendant.</b>                    | ) |                                       |

**PLAINTIFF’S UNOPPOSED MOTION FOR LEAVE TO FILE EXHIBIT C AND  
CONFIDENTIAL BRIEF INCORPORATING REFERENCE TO EXHIBIT C UNDER  
SEAL AND FOR EXTENSION OF TIME TO FILE CONFIDENTIAL VERSION OF  
BRIEF AND EXHIBIT C UNDER SEAL**

Plaintiff Irwin Industrial Tool Company D/B/A Lenox (“Lenox”) hereby moves this Court, pursuant to Uniform Superior Court Rules 21.1 and 21.6(D) and Part 5(D) of Administrative Order No. 2015-EX-01168 (Amended Order Implementing Electronic-Filing For Civil Cases), for leave to file the following documents under seal: Exhibit C to Plaintiff’s Memorandum in Opposition to Defendant Milwaukee Electric Tool Corporation’s Motion to Stay Pending *Inter Partes* Review (“Opposition Memorandum”) and a Confidential version of the Memorandum in Opposition that incorporates a reference to Exhibit C. Lenox further moves this Court for an extension of time to file Exhibit C and the Confidential Memorandum in Opposition until three business days after this Court grants Lenox’s Motion for Leave to File Under Seal. The grounds for these motions are set forth hereinbelow.

Lenox is concurrently filing herewith a Non-Confidential version of its Opposition Memorandum. Exhibit C of that Opposition Memorandum consists of two pages of documents produced by Defendant Milwaukee Electric Tool Corporation (“Milwaukee”) and designated by Milwaukee as “Highly Confidential – Outside Attorney’s Eyes Only.” These documents were produced by Milwaukee on December 29, 2015 (after Lenox previously filed Lenox’s Assented-To Motion For Extension of Time To Respond to Defendant’s Motion to Stay Pending *Inter Partes* Review. (Dkt. No. 53)) Accordingly, Lenox could not have requested leave to file these documents under seal when it filed its prior request for an extension of time.

Lenox’s counsel has conferred with Milwaukee’s counsel in a good faith effort to resolve the issues presented by this Motion. Milwaukee, through its counsel, has said that it will not oppose this this motion.

Respectfully submitted this 4<sup>th</sup> day of January, 2016.

/s/ John W. Harbin

John W. Harbin (*pro hac vice*)  
Gregory J. Carlin (*pro hac vice*)  
Lisa C. Pavento (*pro hac vice*)  
MEUNIER CARLIN & CURFMAN LLC  
Suite 1300  
999 Peachtree Street, NE  
Atlanta, Georgia 30309  
Tel: (404) 645-7700  
Fax: (404) 645-7707  
jharbin@mcciplaw.com  
gcarlin@mcciplaw.com  
lpavento@mcciplaw.com

Barry M. Ryan (BBO No. 547336)  
DOHERTY, WALLACE, PILLSBURY AND MURPHY,  
P.C.  
One Monarch Place, Suite 1900  
1414 Main Street  
Springfield, Massachusetts 01144  
Tel: (413) 733-3111

Fax: (413) 734-3910  
bryan@dwpm.com

*Counsel for Plaintiff Irwin Industrial Tool  
Company d/b/a Lenox*

**LOCAL RULE 7.1 CERTIFICATION**

The undersigned hereby certifies that counsel to the Plaintiff and counsel to the Defendant conferred with respect to this motion and have attempted in good faith to resolve or narrow this issue. Counsel for Defendant stated that they do not oppose this motion.

/s/ John W. Harbin

John W. Harbin (*pro hac vice*)

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing **PLAINTIFF'S MOTION FOR LEAVE TO FILE EXHIBIT C UNDER SEAL AND FOR EXTENSION OF TIME TO FILE EXHIBIT C** was electronically filed on January 4, 2016 with the Clerk of Court using the CM/ECF system, which will send electronic notification to:

Joshua M. Dalton, Esq.  
Peter G. Byrne, Esq.  
Morgan, Lewis & Bockius LLP  
One Federal Street  
Boston, MA 02110-1726  
josh.dalton@morganlewis.com  
peter.byrne@morganlewis.com

Jason C. White, Esq.  
Scott D. Sherwin, Esq.  
Morgan, Lewis & Bockius LLP  
77 W. Wacker Drive, Ste. 500  
Chicago, IL 60601  
jwhite@morganlewis.com  
ssherwin@morganlewis.com

*Counsel for Defendant Milwaukee  
Electric Tool Corporation*

/s/ John W. Harbin

John W. Harbin (*pro hac vice*)